

REMARKS

This Preliminary Amendment accompanies Applicant's Request for Continued Examination being filed concurrently herewith.

Within the final Office Action mailed on September 29, 2005, the Examiner rejected then-pending claims 1-8 and 17-154. Rejected claims 1-8 and 17-154 have been canceled above, and new claims 155-255 have been substituted therefor.

New claim 155 generally corresponds to former claim 1, but now recites a method for verifying whether an e-mail sent by a sending party was accessed by an intended recipient, including the step of “storing recipient data” pertaining to at least one party to identify such party, and including the step of discovering such stored recipient data upon detecting an access event to identify the recipient. Likewise, method claim 235, which generally corresponds to former claim 80, recites a method for verifying whether an e-mail sent by a sending party was accessed by an intended recipient, the method including the steps of storing recipient data on a computer associated with e-mail retrieval to identify a particular party, discovering such stored recipient data after detecting an access event, and generating a confirmation of receipt notice that includes the discovered recipient data. Related system claim 244, which generally corresponds to former claim 89, recites a system for verifying whether e-mail sent by a sending party was accessed by an intended recipient, including recipient data stored on a computer associated with the intended recipient, the stored recipient data identifying a party associated with a particular e-mail address, and including software that, upon detecting an access event, retrieves the stored recipient data and includes the acquired recipient data in a confirmation of receipt notice for transmission to the sending party.

The Patent Examiner previously rejected former claims 1, 80 and 89 under 35 U.S.C. §103(a) as reciting subject matter considered by the Examiner to be obvious to those skilled in the art based upon U.S. Patent No. 6,629,131 (Choi) in view of U.S. Patent No. 6,618,747 (Flynn). For

1 the reasons explained below, claims 155 (and dependent claims 156-183), 235, and 244 (and
2 dependent claims 245-247) would not have been suggested by the cited references.

3 The cited Flynn patent notifies an intended recipient that an email message has been posted
4 and waits for the intended recipient to request the message; when such request is received, a
5 confirmation notice is sent to the sender to confirm that the message was downloaded. The
6 Examiner has focused upon that portion of Flynn's specification at col. 6, lines 53-65, which
7 describes the transmission, by a requesting party, of a "unique call address" (assigned by Flynn's
8 Web Server 24) to access an e-mail message stored at such unique call address on the Web server.
9 Such "unique call address" does not itself identify the intended recipient.

10 When the email message is downloaded, Flynn's system sends a confirmation of receipt
11 notice that includes "the address to which the email was downloaded, the time it was downloaded,
12 and optionally, a compressed copy of the original message." However, this information does not
13 identify the recipient, nor is it recipient data previously stored by the intended recipient. While the
14 notice confirming receipt may include the IP address to which the message was downloaded, mere
15 detection of the IP address of the computer to which such message was downloaded can not be
16 equated to the storage of recipient data on a computer associated with an intended recipient, and
17 then discovering such stored recipient data in the process of accessing such email message. IP
18 addresses can change constantly on a given network and may be assigned at random. Thus, while
19 Flynn may provide the sender with the IP address of the computer that was used to download the
20 message, that IP address could apply to a number of different parties/computers. In contrast to the
21 system recited by claim 155 (and the method recited by claim 235), the system disclosed by Flynn
22 does not obtain recipient data stored on a computer associated with a particular email address. In
23 contrast to the system recited by claim 244, Flynn does not obtain recipient data stored on a
24 computer associated with an intended recipient.

25 Similarly, Choi fails to disclose or suggest discovery of recipient data previously stored on a
26 computer associated with the party receiving an email message. In the Office Action, the Examiner
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1 has directed Applicant's attention to col. 3, lines 1-30, of the Choi patent as purportedly disclosing
2 "the discovering step includes retrieving from a computer associated with the recipient party a pre-
3 recorded recipient data file containing pre-recorded recipient data." However, the portion of the
4 Choi patent referenced by the Examiner merely states that the mail control system B (see Fig. 3)
5 receives the unique code of the email message previously assigned by mail control system A (see
6 Fig. 3). It might be noted that neither mail control system A nor mail control system B is
7 associated with the intended recipient's email address. Choi's system then searches its database of
8 such unique codes to find the code just received, and then alerts the sender that the message was
9 read. However, Choi's system does not determine who accessed the message, only that it was
10 accessed. In addition, Choi's system does not discovery recipient data stored on a computer
11 associated with the intended recipient.

12 Since neither Choi nor Flynn discloses or suggests storage, and subsequent acquisition, of
13 recipient data on a computer associated with the email address of the intended recipient, these
14 references do not render obvious the system and method recited by claims 155-183 and 235,
15 respectively. Likewise, since neither Choi nor Flynn discloses or suggests storage, and subsequent
16 acquisition, of recipient data on a computer associated with an intended recipient, these references
17 do not render obvious the system recited by claims 244-247.

18 New claim 184, which corresponds generally to former claim 30, and claims 185-207
19 dependent therefrom, are directed to a method for verifying whether an e-mail sent by a sending
20 party was accessed by an intended recipient; the recited method includes the steps of delivering an
21 e-mail to a recipient e-mail address, detecting an access event, prompting the party who requested
22 access to such e-mail to first enter recipient data identifying the requesting party, and including
23 such recipient data in a confirmation of receipt notice. Method claim 236 (generally corresponding
24 to former claim 81) likewise recites the steps of delivering an e-mail to a recipient e-mail address,
25 detecting an access event, prompting the requesting party to enter recipient data prior to allowing
26 the requested access to identify the requesting party, and including the entered recipient data in a
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1 confirmation of receipt notice. Similarly, claim 248 (which generally corresponds to former claim
2 93), and dependent claims 249-251, are directed to a system for verifying whether e-mail sent by a
3 sending party was accessed by an intended recipient, including a recipient computer and software
4 capable of detecting an access event, prompting the party associated with such access event to enter
5 recipient data prior to allowing the requested access, and including the acquired recipient data in a
6 confirmation of receipt notice for transmission back to the sending party. Neither Flynn nor Choi,
7 separately or in combination, disclose or suggest prompting a party requesting access to an e-mail
8 to enter recipient data, prior to allowing the requested access, after detection of an access event.

9 Claim 208, which generally corresponds to former claim 54, and dependent claims 209-234,
10 are directed to a method for verifying whether e-mail sent by a sending party was accessed by an
11 intended recipient, including the steps of delivering said e-mail to a recipient e-mail address,
12 acquiring recipient data that is related to biometric identification of the recipient, detecting an
13 access event, and generating a confirmation of receipt notice that includes such acquired recipient
14 data. Similarly, claim 237, which corresponds generally to former claim 82, and dependent claims
15 238-243, are directed to a method for verifying whether e-mail sent by a sending party was
16 accessed by an intended recipient, including the steps of delivering an e-mail to a recipient e-mail
17 address, identifying the recipient via biometric identification, detecting an access event, and
18 generating a confirmation of receipt notice that includes data that identifies the recipient. Claim
19 252, which corresponds generally to former claim 97, and dependent claims 253-255, are directed
20 to a system for verifying whether e-mail sent by a sending party was accessed by an intended
21 recipient, including a recipient computer, biometric identification means for recognizing biometric
22 attributes of an individual, software capable of both detecting an access event and acquiring
23 biometric data identifying the party causing said access event, and a means for transmitting a
24 confirmation of receipt notice that includes the acquired data. Neither of the cited references to
25 Flynn or Choi discloses the use of biometric data to identify a party accessing a delivered email
26 message.

1 In view of the amendments to the claims made herein, and in light of the above remarks,
2 Applicant respectfully submits that the patent claims now pending define subject matter that is
3 patentably distinguishable from the prior art, and Applicant requests that the present application
4 now be allowed.

Respectfully submitted,

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